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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/405,436	09/23/1999	PEKKA MIELONEN	1912	9477

7812 7590 03/12/2002

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EXAMINER

GALL, LLOYD A

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 03/12/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/405,436

Applicant(s)

Mielonen et al

Examiner

Lloyd Gall

Group Art Unit

3627

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

☒ Responsive to communication(s) filed on 12/21/01

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

☒ Claim(s) 1-12, 14-20, 22-29 is/are pending in the application.

Of the above claim(s) 28, 29 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3, 5-8, 10, 12, 14-20, 22-27 is/are rejected.

☒ Claim(s) 4, 9, 11 is/are objected to.

☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The proposed drawing correction, filed on 4/9/01 is ☒ approved ☐ disapproved.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Reference(s) Cited, PTO-892

☐ Notice of Informal Patent Application, PTO-152

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Other _____

Office Action Summary

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DETAILED ACTION

1. Applicant's election of Group I, claims 1-12, 14-20 and 22-27 in Paper No. 17 ½ is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 28-29 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 17 ½.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12, 14-20 and 22-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, lines 1-2, the dependency on claim 1 is indefinite, as to whether these claims include the subject matter of claim 1, or if claim 12 is intended to be an independent claim. Further, it is not clear how a key blank (uncut key) further defines the key of claim 1. For the same reasons,

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claims 20 and 22-27 are indefinite. Applicant is required to ensure that these claims properly include the necessary antecedent basis for all of the elements which are being positively claimed.

In view of these rejections, claims 12, 14-20 and 22-27 are rejected as best understood, on prior art, as follows.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, 5, 6, 8, 10, 12, 14-20 and 22-27 (as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by the UK reference (119).

The UK reference (119) teaches all of the claimed structure including plural code locking discs as seen in fig. 3, wherein the discs include a notch 12, a first counter surface 18 for turning the discs in a first direction, a second counter surface diametrically spaced from the surface labeled 18 for also turning the discs in the first direction, locking bar 8, and a key having a set of combination surfaces for each disc. The two diametrically spaced surfaces 17 define at least two combination values. The surfaces 17 which engage other tumblers define a second set of combination values. Each disc is turnable, and turnable to its opening position, by either or both of the combination value surfaces 17 for each disc. With respect to claim 2, diametrically spaced surfaces 17 are regarded as both spaced from each other, and at different angles. That is, the surface labeled as 17 in fig. 3 is roughly at the two o'clock angular position, and its diametrically spaced

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surface 17 is at an eight o'clock angular position. With respect to claim 3, there is no apparent reference frame claimed to define the 30 degrees. With respect to claim 8, surface 25 defines a return surface. With respect to claim 10, the return surfaces 25 also define a counter surface such that the lock is "operable" in a second turning direction. With respect to the last paragraph of claim 1, "corresponds to a smaller turning angle" and "corresponds to a larger turning angle" are structurally unsupported functional limitations, of no patentable significance. It is also noted that, as seen in fig. 3 of the UK reference (119). The key rotates a small angle to contact surfaces 17 and 18, and thereafter rotates to a larger turning angle, with the tumbler.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over the UK reference (119) in view of Martikainen.

Martikainen teaches at least one 0-locking disc 5 with a smaller key opening than the locking discs 7. To utilize a 0-locking disc with the lock of the UK reference (119) would have been obvious in view of the teaching of Martikainen.

9. Claims 4, 9 and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lloyd Gall whose telephone number is (703) 308-0828. The examiner can normally be reached on Monday-Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached at (703) 308-2688. The fax number for this group is (703) 305-3597/3598.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be directed to steven.meyers@uspto.gov.

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed expressed waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature relating to the status of this application should be directed to the group receptionist at (703) 308-2168.

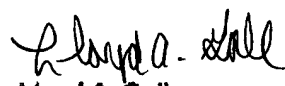
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March 11, 2002


Lloyd A. Gall
Primary Examiner